REMARKS

The Examiner rejected claims 1, 3, 5-9, 25-26, 28-29, and 36-38 under 35 U.S.C. § 102(b) as anticipated by WO 01/096145 A1 to Requena et al. (Requena); rejected claims 18 and 21-23 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2004/0095958 to Ejzak et al. (Ejzak); rejected claims 32-33 and 39-47 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 7,509,425 to Rosenberg; and rejected claims 19-20 and 30-31 under 35 U.S.C. §103(a) as unpatentable over Ejzak and Rosenberg.

By this amendment, Applicants amend claims 1, 9, 18, 21-23, 25, 28, 29, 30, 32, 33, 36, 39, 40, 43, and 45 to more clearly define the features of those claims.

Claims 1, 3, 5-9, 18-23, 25, 26, 28-33, and 36-47 are currently pending.

Claim 1, as amended, is directed to a method including passing a message from a first party to a second party in a communication system. The method also includes passing a response to the message from the second party to the first party, the response including at least one parameter in breach of a policy for a communication between the first party and the second party. The method further includes detecting in a network controller that the response includes at least one parameter breaching the policy. The detected response is configured as a provisional response acknowledgment in accordance with a session initiation protocol. Moreover, the network controller comprises a call state control function. The method additionally includes modifying, by the network controller, the at least one parameter to be consistent with the policy.

In contrast to claim 1, Requena relates to a method for communicating codec related information (e.g., operational modes of an adaptive multi-rate (AMR) codec)

between a first mobile communication device and a second mobile communication device via a network. This codec related information is transmitted by the first mobile communication device to the second mobile communication device in a form of a binary mask in a Session Description Protocol (SDP) body of a Session Initiation Protocol (SIP) INVITE message, in which a value of 1 indicates the operational modes which are supported by the first mobile communication device. When the network does not support at least one of the operational modes, the network modifies the codec related information accordingly. See Requena at Abstract. However, nowhere does Requena disclose "detecting in a network controller that the response includes at least one parameter breaching the policy, *the detected response configured as a provisional response acknowledgment in accordance with a session initiation protocol, the network controller comprising a call state control function*" (emphasis added). Therefore, claim 1 is not anticipated by Requena, and the rejection of claim 1 and claims 3 and 5-8, at least by reason of their dependency from independent claim 1, should be withdrawn.

Independent claims 9, 25, 28, and 36, although of different scope, include features similar to those noted above with respect to claim 1. For at least the reasons given above with respect to claim 1, claims 9, 25, 28, and 36 are not anticipated by Requena, and the rejection of claims 9, 25, 28, and 36 and claims 26, 29, 37, and 38, at least by reason of their dependency, should be withdrawn.

The Examiner rejected claims 18 and 21-23 under 35 U.S.C. §102(e) as anticipated by Ejzak. Applicants respectfully traverse this rejection.

Claim 18 recites a combination including, among other things, "passing the response unmodified from the second party to the first party, the response configured as a

provisional response acknowledgment in accordance with a session initiation protocol" and "determining in a network controller that one or more of said at least one parameter breaches the policy, the network controller comprising a call state control function."

In contrast to claim 18, Ejzak discloses signaling messages including an indication of specific network connections which are usable by a network component. Ejzak, Abstract. The Ejzak network controllers replace the indication of the specific network connections which can be used by the network component in a signaling message with wild card network connection information. However, nowhere does Ejzak disclose "passing the response unmodified from the second party to the first party, *the response configured as a provisional response acknowledgment in accordance with a session initiation protocol*" and "determining in a network controller that one or more of said at least one parameter breaches the policy, the *network controller comprising a call state control function*" (emphasis added). Therefore, claim 18 is not anticipated by Ejzak, and the rejection under 35 U.S.C. §102(e) of claim 18 should be withdrawn.

Independent claim 21, although of different scope, includes features similar to those noted above with respect to claim 18. For at least the reasons given above with respect to claim 18, claim 21 is not anticipated by Ejzak, and the rejection under 35 U.S.C. §102(e) of claim 21 and claims 22-23, at least by reason of their dependency, should be withdrawn.

The Examiner rejected claims 32-33 and 39-47 under 35 U.S.C. §102(e) as anticipated by Rosenberg. Applicants respectfully traverse this rejection.

Claim 32 defines an apparatus including, among other things, the following features "receive a further message from the first party including at least one parameter in

breach of the policy, *the further message configured as a provisional response acknowledgment in accordance with a session initiation protocol*" and "detect that the further message includes at least one parameter in breach of the policy, *the apparatus comprising a call state control function*" (emphasis added).

In contrast to claim 32, Rosenberg discloses alleged enhancements to SIP which include an update primitive to allow a caller to establish session state attributes of the protocol to be used in a session with a callee, without actually establishing or modifying the dialog. The second alleged enhancement comprises a more information needed provisional response which may be substituted for some forms of error response to indicate that a caller needs more information before a session can be established. Rosenberg states that these alleged enhancements may be used to negotiate or modify session state. However, nowhere does Rosenberg disclose "receive a further message from the first party including at least one parameter in breach of the policy, *the further message configured as a provisional response acknowledgment in accordance with a session initiation protocol*" and "detect that the further message includes at least one parameter in breach of the policy, *the apparatus comprising a call state control function*" (emphasis added). Therefore, claim 32 is not anticipated by Rosenberg, and the rejection under 35 U.S.C. §102(e) of claim 32 and claim 33, at least by reason of its dependency from independent claim 32, should be withdrawn.

Independent claims 39, 40, 43, and 45, although of different scope, include features similar to those noted above with respect to claim 32. For at least the reasons given above with respect to claim 32, claims 39, 40, 43, and 45 are not anticipated by Rosenberg, and the rejection under 35 U.S.C. §102(e) of claims 39, 40, 43, and 45 and

claims 41, 42, 44, 46, and 47, at least by reason of their dependency, should be withdrawn.

The Examiner rejected claims 19-20 and 30-31 under 35 U.S.C. §103(a) as unpatentable over Ejzak and Rosenberg. Applicants respectfully traverse this rejection.

Claims 19 and 20 depend from claim 18 and include, among other things, the following features of amended claim 18: "passing the response unmodified from the second party to the first party, *the response configured as a provisional response acknowledgment in accordance with a session initiation protocol*" and "determining in a network controller that one or more of said at least one parameter breaches the policy, *the network controller comprising a call state control function*" (emphasis added). Claims 30 and 31, although of different scope, include features similar to those noted with respect to claims 19 and 20. For at least the reasons noted above, neither Ejzak nor Rosenberg discloses or suggests these noted features. Therefore, claims 19-20 and 30-31 are allowable over Ejzak and Rosenberg, whether taken alone or in combination, and the rejection of these claims under 35 U.S.C. §103(a) should be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 39700-797001US/NC40118US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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